

REQUEST FOR RECONSIDERATION

The following Request for Reconsideration is submitted in response to the Office Action issued on May 11, 2004 (Paper No. 10) in connection with the above-identified patent application, and is being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 121, 124, and 126-135 are pending in the present application. No claims have been amended. Applicants respectfully request reconsideration and withdrawal of the rejection of the claims, consistent with the following remarks.

The Examiner has rejected the claims under 35 USC § 103(a) as being obvious over Caronni et al. (U.S. Patent No. 6,049,878). Applicants respectfully traverse the § 103(a) rejection.

Independent claim 121 as currently presented recites a computer-readable medium having stored thereon a data structure corresponding to a digital content package. In particular, the data structure includes fields representing:

- encrypted digital content to be rendered in accordance with a corresponding digital license, where the encrypted digital content is decrypt-able according to a decryption key (KD) obtained from the license;
- a content or a package ID identifying one of the digital content and the package; and
- license acquisition information including a location of a license provider for providing the license.

Significantly, the license acquisition information is in an unencrypted form, the license provider location is a network address, and the data structure is provided by a content

provider having a public key and a private key, where the data structure further includes a field containing the content provider public key.

The Caronni reference discloses a system for secure multicasting from a sender to multiple receivers. Each receiver employs a key management component holding a first key that is shared with the sender and all of the receivers and a second key that is shared with the sender and at least one but less than all of the receivers. The sender has a group key management component with a data structure for storing all of the receivers' first and second keys. According to the Examiner, such data structure and/or the data structure shown in Fig. 6 is representative of a data structure with multiple data fields such as that recited in claim 121.

However, and significantly, and as the Examiner would no doubt concede, the items represented in the data structure recited in claim 121 are not at all disclosed as being represented in any Caronni data structure. Instead, and according to the Examiner, such items are 'non-functional descriptive material' that do not contribute further to the claimed structure for a [computer-readable medium], and therefore the Examiner has apparently not given such items any patentable weight. Applicants respectfully disagree, for the reasons set forth below.

Preliminarily, and in contrast to assertions by the Examiner, such items are not merely statements of intended use. Instead, such items in the data fields of the data structure on the recited computer-readable medium include encrypted digital content, which is not a 'statement of intended use'. Instead, such content is a structure located in a data field, where such structure is recited along with a statement of intended use, i.e., to be rendered in accordance with a corresponding digital license. Further, such content is recited along with a

limitation that such content is decrypt-able according to a decryption key (KD) obtained from such a license. Although the recitation of the data field includes a statement of intended use, such statement is with regard to a structure within the data field, i.e. the content, and accordingly the data field does not merely state an intended use, as the Examiner has asserted.

Similarly, such items in the data fields of the data structure on the recited computer-readable medium include an ID identifying the content or package thereof, which is not a 'statement of intended use'. Instead, and again, such ID is a structure located in a data field, where such structure is recited along with a statement of purpose, i.e., to identify the content which was previously recited as being in another data field, or the package. Although the recitation of the data field includes a statement of purpose, such statement is with regard to a structure within the data field, i.e. the ID, and accordingly the data field again does not merely state an intended use, as the Examiner has asserted.

Likewise, such items in the data fields of the data structure on the recited computer-readable medium include license acquisition information, which also is not a 'statement of intended use'. Instead, such license acquisition information includes a location of a license provider for providing the previously mentioned license referenced license ID is a structure located in a data field, the last part of which is a statement of intended use, but which is in connection with a structure comprising information including a location. Although the recitation of the data field includes a statement of intended use, and again, such statement is with regard to a structure within the data field and accordingly the data field again does not merely state an intended use, as the Examiner has asserted.

Moreover, and at any rate, claim 121 also includes additional structural limitations that are not merely statements of intended use. In particular, claim 121 also recites that the license acquisition information structure is in an unencrypted form, that the license provider location of the license acquisition information structure is a network address, and that the data structure further includes a field containing a content provider public key, where such key is provided by a content provider that provides the data structure. One again, although statements of intended use may exist in such additional items, such additional items include structure that cannot be ignored when evaluating the subject matter recited by claim 121.

Thus, Applicants respectfully submit that the Examiner is incorrect in stating that the items recited as part of the data structure of claim 121 are 'non-functional descriptive material' that do not contribute further to the claimed structure for a [computer-readable medium]. Further, Applicants respectfully submit that such items must be given patentable weight.

Applicants also note that in setting forth the Caronni obviousness rejection, the Examiner states to the effect that the limitations set forth in claim 121 do not contribute to a further limitation of the recited computer-readable medium. Applicants respectfully disagree.

In particular, Applicants merely note that such limitations contribute to a limiting of a recited data structure, and that such recited data structure is in turn an inclusion of the recited computer-readable medium. Accordingly, and by extension, such limitations contribute to a limiting of the computer-readable medium which includes the recited data structure.

Thus, Applicants respectfully submit that the Examiner is incorrect in stating to the effect that the limitations set forth in claim 121 do not contribute to a further limitation of the

recited computer-readable medium. Further, Applicants again respectfully submit that such limitations must be given patentable weight.

At any rate, Applicants respectfully submit that the Examiner has not made a prime facie showing that the Caronni reference makes obvious a computer-readable medium having stored thereon a data structure corresponding to a digital content package and with fields representing structure including: encrypted digital content to be rendered in accordance with a corresponding digital license, where the encrypted digital content is decrypt-able according to a decryption key (KD) obtained from the license; a content or a package ID identifying one of the digital content and the package; and license acquisition information including a location of a license provider for providing the license.

In addition, Applicants respectfully submit that the Examiner has not made a prime facie showing that the Caronni reference suggests or discloses that the license acquisition information be in an unencrypted form, that the license provider location is a network address, and that the data structure is provided by a content provider having a public key and a private key, where the data structure further includes a field containing the content provider public key, all as required by claim 121.

Thus, Applicants respectfully submit that the Caronni reference does not make obvious independent claim 121 or any claims depending therefrom. Instead, Applicants respectfully submit that such claims are not in fact obvious in view of the cited Caronni reference, and accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection.

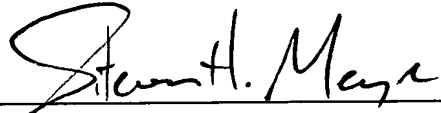
In view of the foregoing discussion, Applicants respectfully submit that the present

DOCKET NO.: MSFT-0103/127334.6
Application No.: 09/482,843
Office Action Dated: May 11, 2004

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application, including claims 121, 124, and 126-135 is in condition for allowance, and such action is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven H. Meyer", written over a horizontal line.

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Date: August 9, 2004

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